



AUSTIN CITY COUNCIL
MINUTES

REGULAR MEETING
THURSDAY, MAY 18, 2006

Invocation: Captain Henry Houston, Salvation Army Corps Officer

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, May 18, 2006 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:15 a.m.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Alvarez' motion, Mayor Pro Tem Thomas' second on a 7-0 vote.

1. Approval of the minutes from the meeting of May 4, 2006 and amendment to the minutes from the meeting of April 6, 2006.
The minutes from the meeting of May 4, 2006 and amendment to the minutes from the meeting of April 6, 2006 were approved.
2. Approve an ordinance amending the Fiscal Year 2005-2006 Airport Capital Fund of Ordinance No. 20050912-001 to increase transfers out to the Aviation Capital Improvements Program by an amount of \$2,340,000; amend the Fiscal Year 2005-2006 Aviation Capital Improvements Program of Ordinance No. 20050912-002 to increase transfers in from the Airport Capital Fund by an amount of \$2,340,000 and to appropriate the same amount for the purchase of a parking access and revenue control system from Associated Time and Parking Controls; and authorize the City's assumption of an agreement to purchase the parking access and revenue control system. Funding in the amount of \$2,340,000 is available in the Capital Fund of the Department of Aviation. Recommended by the Airport Advisory Commission.
Ordinance No. 20060518-002 was approved.
3. Approve an ordinance to establish classifications and number of positions in the classified service of the Fire Department and repealing Ordinance No. 20050912-005. Funding is available in the Fiscal Year 2005-2006 Operating Budget of the Austin Fire Department.
Ordinance No. 20060518-003 was approved.

Item 4 was pulled for discussion.

5. Authorize negotiation and execution of an amendment to the legal services agreement with Brown McCarroll, L.L.P., Austin, TX, for legal representation, advice, and counsel concerning securing Austin's long-term water supply, including regulatory matters involving the Colorado River and the Lower Colorado River Authority (primarily permit applications before the Texas Commission on Environmental Quality), and contractual matters relating to raw water supply, in an amount not to exceed \$255,000, for a total contract amount not to exceed \$1,310,000. (Related to item #36) Funding in the amount of \$255,000 is available in the Fiscal Year 2005-2006 Approved Operating Budget of Austin Water Utility.
The motion authorizing the negotiation and execution of an amendment to the legal services agreement was approved.
6. Approve the waiver of the entry fee for Barton Springs Pool for the family members of City of Austin Employees on Saturday, May 20, 2006 as part of the City Employee Appreciation Week.
The motion authorizing the waiver of the entry fee was approved.
7. Approve execution of a contract with CEDA-TEX SERVICES, INC. (MBE/MB 30.33%), Austin, TX for construction of playground improvements and ADA accessibility for Silk Oak Playscape, in the amount of \$115,813.18 for the Base Bid, \$4,600 for Alternate #1, \$950 for Alternate #2, for a total approval amount of: \$121,363.18. Funding was included in Fiscal Year 2005-2006 Approved Capital Budget of the Parks and Recreation Department. Lowest of four bids received. 33.42% MBE and 2.85% WBE subcontracting participation.
The motion authorizing the execution of a contract was approved.

Item 8 was pulled pending 2:00 Briefing.

9. Approve a resolution authorizing the filing of eminent domain proceedings for the Downtown/White Horse Trail Wastewater Improvements Project, a portion of the Austin Clean Water Program, to acquire a (1.) 12,079 square foot wastewater line easement, (2.) 13,491 square foot temporary working space easement, (3.) 29,195 square foot temporary ingress and egress easement, and (4.) a 10,083 square foot temporary staging area and materials storage site easement out of the Treadwell Addition, Section 5, a subdivision in City of Austin, Travis County, Texas, in the amount of \$113,393. The owner of the needed property interests is LAND STORAGE 2000, LTD. The property is located at 6400 Burnet Road, Austin, Travis County, Texas. Funding is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.
Resolution No. 20060518-009 was approved.
10. Approve a resolution authorizing the filing of eminent domain proceedings for the Lockheed Shaft Project to acquire (1.) 24,797 square feet of land for a tunnel shaft and odor control facility, (2.) a 1,604 square foot access easement, and (3.) a 2,625 square foot wastewater line and access easement; and for the U.S. 183 - Colorado to Thompson Project to acquire a 3,283 square foot waterline easement, all out of the Santiago del Valle Ten League Grant, Abstract 24, Travis County, Texas, in the amount of \$74,700. The City of Austin will not seek to acquire any interests in the oil, gas, sulfur, or water from beneath the needed property. The owner of the needed property interests is Bruce Anton. The property is located at 829 Bastrop Highway, Austin, Travis County, Texas. Funding is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.
Resolution No. 20060518-010 was approved.
11. Approve a resolution to authorize the land acquisition for the Upper Waller Sanitary Sewer Overflow Project, a portion of the Austin Clean Water Program, to acquire a temporary staging and materials storage site easement across portions of the lots located at 3313 King Street, 627 and 631 West 34th Street, and 612, 614, 616 and 618 West 33rd Street, Austin, Travis County, Texas from Brigid Batcher Cockrum, individually and as trustee of the James Bryant Cockrum Family Trust, as created in the last

will and testament of James Bryant Cockrum, deceased, in an amount not exceed \$65,099. Funding is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.

Resolution No. 20060518-011 was approved.

12. Approve an ordinance vacating Century Park Cove (13000 Block) to SAGE-CP III, LTD., for consideration of \$114,498. Recommended by the Urban Transportation Commission and the Zoning and Platting Commission.
Ordinance No. 20060518-012 was approved.
13. Authorize execution of a construction contract with KEYSTONE CONSTRUCTION, INC., Austin, TX, for the Davenport Lift Station Project STAA #9A3 in the amount of \$2,902,409 plus a \$145,120 contingency, for a total contract amount not to exceed \$3,047,529. Funding in the amount of \$3,047,529 is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility. Lowest of three bids received. 15.34% MBE and 4.55% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
This item was postponed to May 25, 2006.
14. Authorize execution of a construction contract with AUSTIN FILTER SYSTEMS, INC., Austin, TX, for the Austin Clean Water Program: Shoal Creek Channel Stabilization and Line Abandonment project in the amount of \$1,248,934.40 plus a \$62,446 contingency, for a total contract amount not to exceed \$1,311,380.40. Funding in the amount of \$1,192,270 is included for the channel work in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility, and \$119,110.40 is available for the bridge work in the Fiscal Year 2005-2006 Capital Budget of the Public Works Department. Lowest of four bids received. 18.38% MBE and 4.15% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract was approved.
15. Authorize an increase in the design-build agreement for the Austin-Bergstrom International Airport (ABIA) Terminal Baggage Screening Improvements with HENSEL PHELPS CONSTRUCTION CO., Austin, TX, of \$900,000, for a total amount not to exceed \$22,400,000. Funding in the amount of \$900,000 is included in the Fiscal Year 2005-2006 Capital Budget of the Aviation Department. 33.85% DBE participation to date (design phase); 6.20% DBE participation to date (construction phase). Recommended by the Austin Airport Advisory Commission.
The motion authorizing an increase in the design-build agreement was approved.
16. Authorize execution of a contract through U. S. Communities Government Purchasing Alliance with GTSI CORP., Chantilly VA, for the purchase of CodeRED Notification System Services, in an amount not to exceed \$300,000 annually for four (4) years, for a total contract amount not to exceed \$1,200,000. Years 2 through 4 are at the City's option. Additionally staff is authorized to negotiate and execute agreements with U.S. Communities Government Purchasing Alliance, GTSI and Emergency Communications Network, Inc., for these services. Funding in the amount of \$300,000 is available in the Fiscal Year 2005-2006 Approved Operating Budget of Austin Energy. Funding for the remaining three years of the contract period is contingent upon available funding in future budgets. Cooperative Purchase.
The motion authorizing the execution of a contract was approved.
17. Authorize award and execution of a contract with MITCHELL TIME AND PARKING, Austin, TX, for upgrading the parking control hardware and software for the Austin Convention Center Department in an amount not to exceed \$404,601. Funding is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Austin Convention Center Department Budget. Sole Source. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business

Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.

The motion authorizing an award and execution of a contract was approved.

18. Authorize award and execution of a 12-month service agreement with HYPERCLEAN AIR PURIFICATION SYSTEMS, New Braunfels, TX, for the maintenance and repair of ultraviolet air disinfection units in an amount not to exceed \$48,523, with four 12-month extension options in an amount not to exceed \$48,523 per extension option, for a total contract amount not to exceed \$242,615. Funding in the amount of \$16,174 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Community Care Services Department. Funding for the remaining eight months of the contract period and extension options is contingent upon available funding in future budgets. Sole bid. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.

The motion authorizing an award and execution of a service agreement was approved.

19. Authorize execution of ten 12-month supply agreements with MCKESSON MEDICAL-SURGICAL, Richmond, VA, EMERGENCY MEDICAL SUPPLY, Shepherdsville, KY, SOUTHERN SAFETY SALES, Austin, TX, TRI-ANIM HEALTH SERVICES, Sylmar, CA, SUN BELT MEDICAL/EMERGI-SOURCE, Hilton Head Island, SC, BOUND TREE MEDICAL, Dublin, OH, ALLIANCE MEDICAL, Russellville, MO, MASIMO AMERICAS, Irvine, CA, CVC INC., Arlington, TX, and TW MEDICAL, Lago Vista, TX, for medical supplies and medications in amounts not to exceed \$504,472, \$224,837.80, \$216,190, \$194,476.45, \$172,452.50, \$154,775.50, \$123,472.15, \$119,262.50, \$118,550 and \$78,760 respectively, with two 12-month extension options in amounts not to exceed \$504,472, \$224,837.80, \$216,190, \$194,476.45, \$172,452.50, \$154,775.50, \$123,472.15, \$119,262.50, \$118,550 and \$78,760 respectively per extension option, for total agreement amounts not to exceed \$1,513,416, \$674,513.40, \$648,570, \$583,429.35, \$517,357.50, \$464,326.50, \$370,416.45, \$357,787.50, \$355,650 and \$236,280 respectively. In addition, nine items were identical bids among two or more bidders. Per Chapter 271.901 of the Local Government Code, the municipality must select from the identical bids by the casting of lots. The total award amounts listed will be adjusted based on the results of the casting of lots. Item numbers additionally awarded by the drawing of lots will be included in the contract award. Funding in the amount of \$613,999.60 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Emergency Medical Services Department. Funding in the amount of \$21,750 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Austin Fire Department. Funding for the remaining eight months of the original contract period and the extension options is contingent upon available funding in future budgets. Lowest bids per item or group of 19 bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of ten supply agreements as listed above was approved. In addition, Council conducted the drawing of lots, per State law, when identical bids were submitted from numerous vendors on nine items. Those companies whose names were drawn (as shown below) will receive either an increase to their agreement or, for Kentron, will receive a supply agreement for two of the items. 1. Kentron, Springfield, TN, \$486, 2. Alliance Medical, Russellville, MO \$112, 3. McKesson Medical-Surgical, Richmond, VA \$2,560, 4. Alliance Medical, Russellville, MO \$270, 5. Alliance Medical, Russellville, MO \$3105, 6. Emergency Medical Supply, Shepherdsville, KY \$8,910, 7. Kentron, Springfield, TN, \$250, 8. Tri-Anim Health Services, Sylmar, CA, \$2,950, 9. Sun Belt Medical/Emergi-Source, Hilton Head Island, SC, \$5,650

20. Authorize award and execution of a 12-month service agreement with MAIL PROCESSING CENTER, Cedar Park, TX, for printing and mail processing services of delinquent notices for Municipal Court in an

estimated amount not to exceed \$59,200, with four 12-month extension options in an estimated amount not to exceed \$59,200 per extension option, for a total estimated agreement amount not to exceed \$296,000. Funding in the amount of \$19,733 is included in the Fiscal Year 2005-2006 Approved Operating Budget of the Municipal Court. Funding for the remaining eight months of the original contract period and the extension options is contingent upon available funding in future budgets. Lowest bid of six bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified, therefore, no goals were established for this solicitation.

The motion authorizing an award and execution of a service agreement was approved.

21. Authorize award and execution of a three-month fixed-price contract with CAPPS RENT A CAR, INC., Dallas, TX, for the rental of 12 full-size passenger vans and 10 cargo vans for the Parks and Recreation Department in an amount not to exceed \$57,906. Funding is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Parks and Recreation Department. Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified, therefore, no goals were established for this solicitation.

The motion authorizing an award and execution of a contract was approved.

22. Authorize award and execution of a 12-month requirements supply contract with SUPERIOR STONE, INC., Austin TX, for cut or natural limestone boulders for the Watershed Protection and Development Review Department in an estimated amount not to exceed \$94,500, with two 12-month extension options in an estimated amount not to exceed \$94,500, for a total estimated contract amount not to exceed \$283,500. Funding in the amount of \$31,500 is available in the Fiscal Year 2005-2006 Approved Operating Budget for the Watershed Protection and Development Review Department. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program.) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing an award and execution of a supply contract was approved.

23. Approve an ordinance adopting a new Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Construction Services Procurement Program) to establish a procurement program for construction and repealing the current Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) Recommended by the MBE/WBE Citizens Advisory Committee

This item was postponed to May 25, 2006.

24. Approve an ordinance adopting a new Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Professional Services Procurement Program) to establish a procurement program for professional services. Recommended by the MBE/WBE Citizens Advisory Committee

This item was postponed to May 25, 2006.

25. Approve an ordinance adopting a new Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Non-Professional Services Procurement Program) to establish a procurement program for non-professional services. Recommended by the MBE/WBE Citizens Advisory Committee

This item was postponed to May 25, 2006.

26. Approve an ordinance adopting a new Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Commodities Procurement Program) to establish a procurement program for commodities. Recommended by the MBE/WBE Citizens Advisory Committee

This item was postponed to May 25, 2006.

- 27. Approve an ordinance waiving the development regulations of Ordinance No. 20060309-058 to allow the construction of a single family residence at 2408 Bridle Path.
Ordinance No. 20060518-027 was approved.

Item 28 was pulled for discussion.

- 29. Approve an ordinance waiving the development regulations of Ordinance No. 20060309-058 to allow the construction of a single family residence at 506 Atlanta Street.
Ordinance No. 20060518-029 was approved.
- 30. Approve an ordinance waiving the development regulations of Ordinance No. 20060309-058 to allow the construction of a single family residence at 8011 Scenic Brook Drive.
Ordinance No. 20060518-030 was approved.
- 31. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Electric Utility Commission</u> Ralph Weston	Mayor Wynn's	Reappointment
<u>Ethics Review Commission</u> Andy Brown	Council Member Leffingwell's	Appointment
<u>Resource Management Commission</u> Andrew Donoho	Mayor Pro Tem Thomas'	Reappointment

Item 32 was pulled pending 2:00 Briefing.

- 33. Set public hearing to consider authorizing the City Manager to negotiate and execute an interlocal agreement with the Austin Independent School District (AISD) to allow construction of Volma Overton Elementary School on Colony Park adjoining the Turner Roberts Recreation Center. Suggested date: June 8, 2006 at 6 p.m. City Hall, 301 West 2nd Street. Approved by the Parks and Recreation Board on July 26, 2005.
The public hearing was set for June 8, 2006 at 6:00 p.m., City Hall, 301 West 2nd Street.
- 34. NPA-06-0006.010 - Set a public hearing to consider an ordinance amending Ordinance No. 000629-105, the Old West Austin Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan to revise the text for Goal 1, Objective1, Action Item 4. The proposed amendment would allow minor changes in base district zoning boundaries for properties that have street frontages on both West Lynn Street and Eason Street in order to preserve the single-family character of Eason Street. City Staff: Mark Walters, 974-7695. (Suggested date and time: May 25, 2006 at 4:00 p.m., City Hall Council Chambers, 301 West Second Street.)
The public hearing was set for May 25, 2006 at 4:00 p.m., City Hall Council Chambers, 301 West Second Street.

35. Set a public hearing to approve the use of approximately 1.552 acres for a waterline, 2.422 acres for a wastewater line and a temporary work space adjacent to both permanent easements to allow the construction of improvements serving the Goodnight Ranch PUD, through dedicated parkland known as Onion Creek Park located along Nuckols Crossing Road and Thaxton Road, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: June 22, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street). All costs associated with construction, as well as any parkland restoration, will be paid by requester. Recommended by Parks Board on February 28, 2006.

The public hearing was set for June 22, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.

Items 36 through 39 were Executive Session items.

Item 40 was a bond sale set for 2:00 p.m.

Items 41 through 42 were briefings set for 2:00 p.m.

Items 43 through 58 were zoning items set for 4:00 p.m.

Items 59 through 62 were public hearings set for 6:00 p.m.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 10:31 a.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

36. Discuss legal issues relating to securing Austin's long-term water supply, including regulatory matters involving the Colorado River and the Lower Colorado River Authority (primarily permit applications before the Texas Commission on Environmental Quality), contractual matters relating to raw water supply, and the legal and consulting services agreements with Brown McCarroll. (Private Consultation with Attorney - 551.071) (Related to item #5)
This item was withdrawn.
37. Discuss legal issues related to design and construction of the Austin-Bergstrom International Airport garage. (Private Consultation with Attorney - Section 551.071)
38. Discuss legal issues regarding construction contracts with: Hutchinson Construction, Inc. (Terrazas Library, Circle C Fire and Emergency Medical Services Station); the Barr Company, AIA, Inc. (American with Disability Act Sidewalk Projects-Group 2 and 3, Caswell Tennis Center, and Windsor Park Library); Guerrero-McDonald and Associates, Inc. (Spicewood Springs Fire and Emergency Medical Services Station), in connection with project resolutions and potential litigation. Discuss legal service agreements with Hilgers Bell and Richards, LLP and Andrews Kurth, LLP. in connection with resolution of the above projects. (Private consultation with attorney- Section 551.071) (Related to item #4)
39. Discuss legal issues concerning an appeal by Dale Bulla, Vice-President, 2222 Coalition of Neighborhood Associations, Inc (2222 CONA), of the Zoning and Platting Commission's decision to approve phasing of a released site plan under Section 25-5-63(C) of the City Code for Champion Commercial SPC-05-

0012A, located at 6015 North Capital of Texas Highway. (Private Consultation with Attorney - 551.071)
(Related to item #62)

Executive Session ended and Mayor Pro Tem Thomas called the Council Meeting back to order at 12:18 p.m.

CITIZEN COMMUNICATIONS: GENERAL

CarolAnneRose Kennedy - THE GRAD U ATE

Colin Clark - Saving Barton Springs

Lulu Flores - Bond Election Inclusion of Mexic-Arte Museum

Jennifer L. Gale - Mayor-Elect Jennifer Gale's Priorities

Paul Robbins - City Issues

Robert Singleton - Stuff

Susanne Mason - Advanced Micro-Devices

Sylvia Orozco - Bond Election Include Mexic-Arte Museum

Richard Troxell - Homelessness in Austin

Pat Johnson - Who Do You Represent

DISCUSSION ITEM

- 4. Authorize negotiation and execution of professional service agreements with Hilgers Bell and Richards, LLP, in an amount not to exceed \$90,000, and Andrews Kurth, LLP, in an amount not to exceed \$45,000, in connection with resolution of construction contracts with: Hutchinson Construction, Inc. (Terrazas Library, Circle C Fire and Emergency Medical Services Station); the Barr Company, AIA, Inc. (American with Disability Act Sidewalk Projects-Group 2 and 3, Caswell Tennis Center, Windsor Park Library); and Guerrero-McDonald and Associates, Inc. (Spicewood Springs Fire and Emergency Medical Services Station). (Related to Item #38) Funding in the amount of \$135,000 is included in the 2005-2006 Approved Operating Budget of the Liability Reserve Fund.
The motion authorizing the negotiation and execution of a professional service agreement was approved on Council Member Alvarez' motion, Council Member Leffingwell's second on a 4-0 vote. Council Member McCracken recused. Mayor Wynn and Council Member Kim were off the dais.

Mayor Pro Tem Thomas recessed the Council Meeting at 12:59 p.m.

Mayor Wynn called the Council Meeting back to order at 2:10 p.m.

Discussion and Possible Action on Bond Sales

- 40. Approve an ordinance authorizing the issuance of City of Austin, Texas, Electric Utility System Revenue Refunding Bonds, Series 2006, in the approximate amount of \$150,000,000, and approval of all related

documents. \$6,670,685 in the first year debt service requirement and \$400 estimated annual administration fee for the paying agent/registrar for the proposed bond sale will be included in the 2006-2007 Proposed Budget of the Utility Revenue Bond Redemption Fund.

Ordinance No. 20060518-040 was approved on Council Member Dunkerley's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Kim was off the dais.

Briefings

41. Briefing on Rush Hour Rapid Response/Enhanced Traffic Incident Management Program (related to item #8 and item #32).
The presentation was made by Rudy Garza, Assistant City Manager and David Carter, Assistant Chief of Police.
42. Briefing on issues surrounding the recent storm events and related power outages.
The presentation was made by Toby Futrell, City Manager; Rudy Garza, Assistant City Manager; and Juan Garza, General Manager of Austin Energy.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member McCracken's motion, Council Member Dunkerley's second on a 5-0 vote. Mayor Pro Tem Thomas and Council Member Kim were off the dais.

43. C14-06-0028 - 1700 Smith Road - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1700 Smith Road (Boggy Creek Watershed) from industrial park-neighborhood plan (IP-NP) combining district zoning to limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning. First reading approved on May 4, 2006. Vote: 7-0. Applicant: GPMP Land Company, L.L.C. (George Pyson). Agent: Thrower Designs (Ron Thrower). City Staff: Robert Heil, 974-2330.
Ordinance No. 20060518-043 for limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning was approved.
44. C14-06-0009 - Donohoe Zoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1213 Newning Street (Harper's Branch Creek Watershed) from multi-family residence-moderate-high density-neighborhood conservation-neighborhood plan (MF-4-NCCD-NP) combining district zoning to family residence-neighborhood conservation-neighborhood plan (SF-3-NCCD-NP) combining district zoning. First reading approved on April 6, 2006. Vote: 7-0. Applicant and Agent: Seamus Donohoe. City Staff: Robert Heil, 974-2330.
Ordinance No. 20060518-044 for family residence-neighborhood conservation-neighborhood plan (SF-3-NCCD-NP) combining district zoning was approved.
45. C14-05-0115 - Valley Vista - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1804 Fort View Road (West Bouldin Creek Watershed) from neighborhood commercial (LR) district zoning to neighborhood commercial (LR) district zoning and family residence (SF-3) district zoning. First reading approved on December 1, 2005. Vote: 6-0 (McCracken off the dais). Applicant: Jim McCullick. Agent: Kareem Hajjar. City Staff: Robert Heil, 974-2330.
The second reading of the ordinance for neighborhood commercial (LR) district zoning and family residence (SF-3) district zoning was approved.

46. C14-05-0171 - The Grove at South Park Meadows - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 301 West Slaughter Lane and 9501 South First Street (Slaughter Creek Watershed) from interim rural residence (I-RR) district zoning; limited office-conditional overlay (LO-CO) combining district zoning; and general commercial services-conditional overlay (CS-CO) combining district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tracts 1 and 2; townhouse and condominium residence (SF-6) district zoning for Tract 3; townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning for Tract 4; and community commercial-conditional overlay (GR-CO) combining district zoning for Tract 5 with conditions. First reading approved on April 20, 2006. Vote 6-0 (McCracken off the dais.) Applicant: Abel J. and Mary Ann Theriot Family, L.P. (Curtis Sanders); SP Meadows Central, Ltd. (Andy Pastor). Agent: Armbrust & Brown, L.L.C. (Richard T. Suttle, Jr.) City Staff: Wendy Walsh, 974-7719.
- Ordinance No. 20060518-046 for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tracts 1 and 2; townhouse and condominium residence (SF-6) district zoning for Tract 3; single family residence small lot (SF-4-A) district zoning for Tract 4; and community commercial-conditional overlay (GR-CO) combining district zoning for Tract 5 with conditions was approved.**

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Mayor Pro Tem Thomas' motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Kim was off the dais.

47. C14-05-0024 - 1101 West Lynn - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1101 West Lynn (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Planning Commission Action: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Applicant: Colonna Family Limited Partnership (Mike Colonna). Agent: Thrower Design (Ron Thrower). City Staff: Jorge E. Rousselin, 974-2975.
- This item was postponed to June 8, 2006 at staff's request.**
48. NPA-06-0007.01 - 1601 Kramer Lane - Conduct a public hearing and approve an ordinance amending Ordinance 000629-06, the North Austin Civic Association Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to amend the future land use map from single-family to mixed use/office designation for the property located at 1601 Kramer Lane (Little Walnut Creek Watershed). Planning Commission Recommendation: To grant mixed use/office designation. Applicant: Thieu and Simone Bui. Agent: Nathan Doxsey. City Staff: Maureen Meredith, 974-2695.
- Ordinance No. 20060518-048 for mixed use/office designation was approved.**
49. C14-06-0022 - 1601 Kramer Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1601 Kramer Lane (Little Walnut Creek Watershed) from townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning to limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning. Applicant: Thieu and Simone Bui. Agent: Nathan Doxsey. City Staff: Wendy Walsh, 974-2719.

Ordinance No. 20060518-049 for limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning was approved.

50. C814-99-0001.05 - Avery Ranch PUD Amendment #5 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Avery Ranch Boulevard at Parmer Lane, 10500 Avery Club Drive (Brushy Creek Watershed) from interim-rural residence (I-RR) district zoning and planned unit development (PUD) district zoning to planned unit development (PUD) district zoning. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning. Applicant: The Reserve at Avery Ranch, Ltd. (Robert D. Wunsch). Agent: Waterstone Development (Theresa Canchola). City Staff: Sherri Sirwaitis, 974-3057.
Ordinance No. 20060518-050 for planned unit development (PUD) district zoning was approved.
51. C14R-82-006(RCT) - Austin Auto Park, Lot 1 - Conduct a public hearing and approve a restrictive covenant termination for the property locally known as 13553 Research Boulevard (Lake Creek Watershed). Zoning and Platting Commission Recommendation: To approve the request to terminate the restrictive covenant. Applicant: Asbury Automotive Texas Real Estate Holding (J. Gordon Smith). Agent: Hill, Ward & Henderson, LLP (M. Kristen Hyatt). City Staff: Sherri Sirwaitis, 974-3057.
This item was postponed to June 22, 2006 at staff's request.
52. C14-06-0021 - Versante - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8804 North R.M. 620 (Bull Creek Watershed) from general office (GO) district zoning to townhouse and condominium residence (SF-6) district zoning. Zoning and Platting Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Applicant: Tomen-Parke Associates, Ltd. (Tetsure Hosohara). Agent: Drenner & Golden Stuart Wolff, LLP (Michele Haussmann). City Staff: Sherri Sirwaitis, 974-3057.
Ordinance No. 20060518-052 for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning was approved.
53. C14-06-0042 - Spicewood Springs Plaza - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3808 Spicewood Springs Road (Shoal Creek Watershed) from neighborhood commercial (LR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Trien & Nancy Bui. Agent: Skinny Jeans LLC (Mark Mellon-Werch). City Staff: Jorge E. Rousselin, 974-2975.
Ordinance No. 20060518-053 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.
54. C14-06-0012 - 505 Deep Eddy - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 505 Deep Eddy Avenue (Johnson Creek Watershed) from family residence (SF-3) district zoning to neighborhood office (NO) district zoning. Zoning and Platting Commission Recommendation: To deny neighborhood office (NO) district zoning. Applicants: Pete Fajkowski and Mike Morales. Agent: Minter, Joseph & Thornhill (John Joseph Sr.). City Staff: Jorge E. Rousselin, 974-2975. A valid petition has been filed in opposition to this rezoning request.
This item was postponed to May 25, 2006 at the agent's request.
58. C14-06-0013 - Pavilion Condominiums - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11819 Pavilion Boulevard (Walnut Creek Watershed) from community commercial (GR) district zoning to multi-family residence-

highest density (MF-6) district zoning. Zoning and Platting Commission Recommendation: To deny multi-family residence-highest density (MF-6) district zoning. Applicant: Mitchel and Rose Wong. Agent: Lopez-Phelps & Associates (Amelia Lopez-Phelps). City Staff: Sherri Sirwaitis, 974-3057. A valid petition has been filed in opposition to this rezoning request. A valid petition has been filed in opposition to this rezoning request.

This item was postponed June 8, 2006 at Council’s request.

DISCUSSION ITEM

28. Approve an ordinance waiving the development regulations of Ordinance No. 20060309-058 to allow the construction of a duplex residence at 505 Deep Eddy Avenue.

This item was postponed to May 25, 2006.

Mayor Wynn recessed the Council Meeting at 5:50 p.m.

Live Music

Myrna Cabello

Proclamations

Proclamation -- National Women's Health Week -- to be presented by Mayor Will Wynn and to be accepted by Donna Sundstrom

Proclamation -- Internal Audit Week -- to be presented by Mayor Will Wynn and to be accepted by Somaia Farag and Benny Ybarra

Proclamation -- National Police Week -- to be presented by Mayor Will Wynn and to be accepted by

Proclamation -- National Mental Health Month -- to be presented by Mayor Will Wynn and to be accepted by Eric Blumberg

Proclamation -- Austin City Employees Recognition Week -- to be presented by Mayor Will Wynn and City Manager Toby Hammett Futrell and to be accepted by representatives of City Departments

Proclamation -- River City Youth Foundation Youth Recognition Day -- to be presented by Council Member Raul Alvarez and to be accepted by Mona Gonzales

Mayor Wynn called the Council Meeting back to order at 6:54 p.m.

ZONING DISCUSSION ITEMS

56. C14-05-0176 - Shropshire Dessau Retail Tract 1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11801 Block of Dessau Road (Walnut Creek Watershed) from development reserve (DR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning with conditions. Applicant: Complete Real Estate SVC, Inc. (David Schoenemann). Agent: Thrower Design (Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057. A valid petition has been filed in opposition to this rezoning request.

The public hearing was closed on Council Member Leffingwell’s motion, Mayor Wynn’s second on a 6-0 vote. Council Member Kim was off the dais.

The first reading of the ordinance for community commercial-conditional overlay (GR-CO) combining district zoning with conditions was approved with additional conditions of 70% impervious cover maximum, make median cut on Shropshire compatible with driveway entrance to Tract 2, direction to staff to analyze trip limitation and bring back information between 2nd and 3rd reading, and direction to transportation staff to bring back by 2nd or 3rd reading a plan to lower the speed limit below 50 miles per hour on Dessau or a report to support the 50 miles per hour speed on Council Member Leffingwell's motion, Council Member Dunkerley's second on a 4-1 vote. Council Member Alvarez voted nay. Mayor Pro Tem Thomas and Council Member Kim were off the dais.

57. C14-05-0177 - Shropshire Dessau Retail Tract 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11000 Block of Dessau Road (Walnut Creek Watershed) from development reserve (DR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning subject to conditions. Applicant: Complete Real Estate SVC, Inc. (David Schoenemann). Agent: Thrower Design (Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was closed on Council Member Leffingwell's motion, Mayor Wynn's second on a 6-0 vote. Council Member Kim was off the dais.

The first reading of the ordinance for neighborhood commercial-conditional overlay (LR-CO) combining district zoning subject to conditions was approved with 70% impervious cover maximum, make median cut on Shropshire compatible with driveway entrance to Tract 2, direction to staff to analyze trip limitation and bring back information between 2nd and 3rd reading on Council Member Dunkerley's motion, Council Member McCracken's second on a 4-1 vote. Council Member Alvarez voted nay. Mayor Pro Tem Thomas and Council Member Kim were off the dais.

55. C814-89-0006.03 - Canyon Ridge PUD Amendment #3 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7300 F.M. 2222 Road, 6500 and 6508 Jester Boulevard (West Bull Creek Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning. Applicant: F.M. 2222/Jester L.P. (Louis R. Williams). Agent: Armbrust and Brown, L.L.P. (Richard T. Suttle, Jr.). City Staff: Sherri Sirwaitis, 974-3057. A valid petition has been filed in opposition to this rezoning request. A valid petition has been filed in opposition to this rezoning request.

The public hearing was closed and the first reading of the ordinance for planned unit development (PUD) district zoning was approved with the following conditions: sidewalk on Jester; direction to staff to come back with plan-pedestrian connection; require a main street; impervious cover issue – fix sidewalks; no fast food-restaurant limited; no drive through; add fast food restriction in the restrictive covenant instead of no-fast food; and the motion includes staff and the Environmental board conditions on Council Member McCracken's motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Kim was off the dais. A friendly amendment was made by Council Member Alvarez to limit structure height two stories it was accepted by the maker of the motion and Council Member Dunkerley.

DISCUSSION ITEMS CONTINUED

8. Approve an ordinance amending Chapter 13-6 of the City Code relating to towing of vehicles; amending Ordinance No. 010308-59 relating to non-consent towing fees; and amending Ordinance No. 20050912-

004 relating to wrecker permit fees (Related to item #32 and item #41). No additional funding is required.

The first reading of the ordinance with preservation of the authority of the Chief of Police to suspend individual drivers, instead of companies; set the proposed fees for vehicles in excess of 26,000 pounds to \$800 and vehicles at 10,000 pounds or less at \$150.00; and direction to staff to bring back on 2nd reading a plan for credit card acceptance regarding small companies was approved on Council Member McCracken's motion, Mayor Wynn's second on a 6-0 vote. Council member Kim was off the dais.

32. Approve a resolution directing the City Manager to implement the Rush Hour Rapid Response. (Related to item #8 and Item #41). (Council Member Brewster McCracken and Mayor Will Wynn)
Resolution No. 20060518-032 was approved on Council Member McCracken's motion, Mayor Wynn's second on a 6-0 vote. Council Member Kim was off the dais.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member McCracken's motion, Mayor Wynn's second on a 6-0 vote. Council Member Kim was off the dais.

Public Hearings and Possible Actions

59. Conduct a public hearing and consider an ordinance amending Section 25-2-332 of the City Code relating to conditional overlays and mixed use combining districts. (Recommended by Planning Commission and Zoning and Platting Commission).
The public hearing was closed and Ordinance No. 20060518-059 was approved on Council Member McCracken's motion, Mayor Wynn's second on a 6-0 vote. Council member Kim was off the dais.

60. Conduct a public hearing to consider floodplain variance requests by Mr. Enrique Parada in order to obtain a building permit to create a duplex structure from his single-family residence and an adjacent, recently placed structure at 1610 Houston Street in the 100-year floodplain of the Hancock Branch of Shoal Creek and to waive the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain by deleting the footprint of the structures from the easement-dedication requirement.
The public hearing was closed and this item was postponed to July 27, 2006 on Council Member Leffingwell's motion, Council Member Alvarez' second on a 6-0 vote. Council Member Kim was off the dais.

62. Conduct a public hearing and consider action on an appeal by Dale Bulla, Vice-President, 2222 Coalition of Neighborhood Associations, Inc. (2222 CONA), of the Zoning and Platting Commission's decision to approve phasing of a released site plan, under Section 25-5-63 (C) of the City Code, Champion Commercial SPC-05-0012A, located at 6015 North Capitol of Texas Highway. (Related to item #39)
The public hearing was closed on Council Member McCracken's motion, Mayor Wynn's second on a 6-0 vote. Council Member Kim was off the dais.

The motion granting the appeal was approved on Council Member McCracken's motion, Council Member Alvarez' second on a 4-2 vote. Mayor Pro Tem Thomas and Council Member Dunkerley voted nay. Council Member Kim was off the dais.

61. Conduct a public hearing on the proposed November 2006 Bond Election.
The public hearing was conducted and held open.

Mayor Wynn adjourned the meeting at 1:41 a.m. without objection.

The minutes for the regular meeting of May 18, 2006 were amended and approved on May 25, 2006 on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.